



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

240-314-5000  
TTY 240-314-8137

September 19, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Ms. Dortch,

On behalf of the Mayor and Council of Rockville and our 67,000 residents, I thank you for the opportunity to comment. The City of Rockville writes to express its concerns about the Federal Communications Commission's (FCC) proposed Declaratory Ruling and Third Report and Order ("The Order") regarding state and local governance of small cell wireless infrastructure deployment.

While we appreciate the Commission's efforts to engage with local governments on this issue and share the Commission's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Rockville and all municipalities have an important responsibility to protect the health, safety and welfare of residents. We are opposed to these preemption measures which compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **The FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for a new expedited sixty (60) day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, it places an unreasonable burden on municipalities who are responsible for protecting historic properties, the environment, and the public safety. The addition of up to three (3) cubic feet of antenna and twenty-eight (28) cubic feet of equipment to a structure not originally designed to carry that load is substantial, and may necessitate more review than the FCC has factored into its proposal. During 2017, the City issued 275 utility permits for work in the City's rights-of-way. Whenever an application is submitted to place additional infrastructure in the City's rights-of-way, the City must have sufficient time to evaluate the application to ensure that there is adequate space for the infrastructure; other utilities or that public infrastructure won't be damaged; ADA compliance can be met; and other engineering issues are addressed. Thus far, the City has competently managed its rights-of-way and there is no need to change the shot clock.

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CITY MANAGER  
Robert DiSpirito

CITY CLERK  
DIRECTOR OF COUNCIL OPERATIONS  
Kathleen Conway

CITY ATTORNEY  
Debra Yerg Daniel

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- **The FCC's proposed definition of "effective prohibition" is overly broad.** The Order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights-of-way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding.
- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. It is not prudent to propose a single fee for every local jurisdiction in the nation. This unique calculation should be left to the discretion of municipalities, who incur the actual costs associated with processing applications and the rental of and attachment to public infrastructure. If these fee caps do not adequately cover permitting costs, they will be unfairly borne by municipal taxpayers. As for-profit entities, wireless providers should be responsible for these costs.

We strongly oppose this effort by the FCC and the wireless industry to restrict municipal authority and stymie local innovation, while limiting the obligations providers have to our community. The proposed "one-size" fits all approach in The Order will be harmful to our community. We urge you to not to proceed with The Order.

Respectfully submitted,



Robert DiSpirito  
City Manager

cc: Mayor and Council of Rockville  
District 17 Delegation